

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-090529
	:	TRIAL NOS. B-0411282
Plaintiff-Appellee,	:	B-0508156
vs.	:	<i>JUDGMENT ENTRY.</i>
ERIC MITCHELL	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Eric Mitchell pleaded no contest to a community control violation. The trial court accepted his plea and found him guilty. Following a mitigation hearing, Mitchell was sentenced to concurrent one-year terms of incarceration on the underlying offenses of forgery and possession of cocaine, both felonies of the fifth degree. The trial court credited Mitchell with time served. Mitchell now appeals.

Pursuant to *Anders v. California*,² Mitchell's appointed appellate counsel has advised this court that, after a thorough review of the record, he can find nothing that would arguably support Mitchell's appeal. Counsel has advised

¹ See S.Ct.R.Rep.Op 3(A), App.R.11.1(E), and Loc.R. 12.

² (1967), 386 U.S. 738, 87 S.Ct. 1396

Mitchell that he has not found any prejudicial errors and has provided Mitchell with the opportunity to raise any such error for our review.

Appellate counsel has filed a motion to withdraw as counsel, and he now asks us to independently review the record.

After reviewing the entire record, we hold that it is free from prejudicial error and that it contains no grounds to support a meritorious appeal. The judgment of the trial court is, therefore, affirmed, and appellate counsel's motion to withdraw is overruled.

Although we conclude that this appeal is frivolous under App.R. 23 and has no "reasonable cause" under R.C. 2505.35, we refrain from taxing costs and expenses against Mitchell because he is indigent.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., SUNDERMANN and HENDON, JJ.

To the Clerk:

Enter upon the Journal of the Court on April 21, 2010
per order of the Court _____.
Presiding Judge